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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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STATE DOCUMENTS

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OFFICE OF RESEARCH

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20° centigrade but not release the blood sample for confidential, anonymous scientific study. A blood sample released for confidential, anonymous study must not contain information that may be used to determine the identity of the donor. A blood sample released may contain demographic or other statistical information. If scientific study identifies genetic information that may benefit the child, the department may notify confidentially the parent or legal guardian, or the child if eighteen years of age or older, of this information. Blood samples taken prior to the effective date of the act that have not been stored under the conditions prescribed in the legislation must be properly destroyed. The legislation revises penalties for violations, specifying that fines may not exceed fifty thousand dollars and imprisonment not more than three years.

The House approved and sent to the Senate H.4830, a bill renaming the state's Special School of Science and Mathematics the **Carroll A. Campbell, Jr., School of Science and Mathematics** in honor of the former governor.

The House approved and enrolled for ratification S.826. This joint resolution extends the life of the **Local Jail Task Force** to February 1, 2003, before which date it must make its report. The joint resolution also provides that a person appointed to the Local Jail Task Force before February 1, 2001, shall remain on the task force, unless he resigns or is replaced by the original appointing authority.

The House concurred in Senate amendments to H.4682 and enrolled the bill for ratification. This bill revises the scope of the **Uniform Commercial Code provisions governing secured transactions**, so as to make provisions inapplicable to a transfer by a governmental unit, and to eliminate the preemption of these provisions governing secured transactions by a statute of this state or another state or foreign country.

The House amended Senate amendments to H.3403, a bill relating to the **disposition of seized, abandoned, or towed vehicles** and other property, and returned the bill to the Senate. The bill authorizes a sheriff's designee or chief of police's designee to sell an abandoned vehicle at a public auction. Under the bill, as amended, the sheriff, chief of police, or their designee may turn over all proceeds of the sale of stolen or abandoned property to the county or municipal treasurer. Also, the designee of a sheriff, or designee of a chief of police, is authorized to sell certain vehicles at public auction seized from a person convicted of driving with a suspended driver's license, or driving under the influence of alcohol, drugs, or a combination of both substances. The bill provides that a law enforcement officer who directs that a vehicle or object and its contents be towed for any reason, whether on public or private property, must use the established towing procedure for his jurisdiction. Sixty days after a vehicle or object has been towed, a law enforcement officer of the jurisdiction must provide the towing company the current owner's name, address, and a record of all lienholders along with the make, model, and vehicle identification number or a description of the object on the proper forms. A proprietor, owner, and operator of a storage place, garage, or towing service, which has towed and stored a vehicle or object, has a lien against the vehicle or object and its contents, and may have the vehicle or object and its contents sold at

The House amended, approved, and sent to the Senate H.4432. This bill provides for **"God Bless America" special license plates**, which could be produced and distributed after the Department receives at least four hundred prepaid applications for the plate, or a deposit of four thousand dollars from the individual or organization seeking issuance of the plate. The deposit would be refundable once an equivalent amount of license plate fees is collected for that special plate, or would be retained by the Department if the equivalent amount is not collected within four years. The bill requires that the Department must approve a plan to market the plates, and if the Department receives less than three hundred biennial applications and renewals for this special plate, it shall not produce additional special license plates in that series. The fee for this special plate is the regular motor vehicle license fee and a special license fee of sixteen dollars. These funds would be distributed to the Department to defray the DMV's expenses of producing and administering the plates, and remaining funds must be designated for use by the South Carolina National Guard for homeland security.

The House amended, approved, and sent to the Senate H.4519. This bill allows the Division of Motor Vehicles to issue **special license plates for 501(c)(8) nonprofit organizations** without going through the legislative process. The bill also provides that of the fees collected for this plate, a sufficient amount of funds must be distributed to the Department to defray expenses of the DMV in producing and administering the special plates.

The House amended, approved, and sent to the Senate S.597. This bill also allows the DMV to issue **special license plates for 501(c)(8) nonprofit organizations** without going through the legislative process. The bill provides that these plates may be issued to owners of private passenger-carrying motor vehicles or light pickups having an empty weight of seven thousand pounds or less (current maximum weight is six thousand pounds) and a gross weight of nine thousand pounds or less registered in their names. The bill also provides that of the fees collected for this plate, a sufficient amount of funds must be distributed to the Department to defray expenses of the DMV in producing and administering the special plates.

The House amended, approved, and sent to the Senate H.4607. This bill provides for issuance and distribution of **Rotary International special license plates**. The fee for this special plate must be the regular motor vehicle license fee and an additional special fee of forty dollars, which must be distributed to the Rotary District in which the purchaser's home club is located in this State. The Department must report to the South Carolina Rotary District designee the district chosen by the license plate issuee to which this fee must be distributed. The bill also requires that sufficient funds must be placed in a special account to be used by the Department to defray the expenses of the DMV in producing and administering the special plate.

The House amended, approved, and sent to the Senate H.4680. This bill provides for the issuance of and distribution of fees for **South Carolina Technology Alliance special license plates**. These special plates could be produced and distributed after the Department receives at least four hundred prepaid applications for the plate, or

The House returned **S.504** to the Senate with amendments. This bill **revises provisions regarding issuance of the existing special license plates for retired members of the South Carolina National Guard and members of the South Carolina National Guard**. The bill adds a provision that an application for this special plate must include a copy of the applicant's military identification card or other evidence showing that the applicant is either a retired or active member of the South Carolina National Guard or the South Carolina State Guard. The bill also adds a provision that of the fees collected for this special plate, sufficient funds must be distributed to the Department to be used by the DMV in producing and administering the special plate.

The House gave second reading approval to **H.3823**, a bill pertaining to the **termination of alimony**. Under this bill, alimony would be terminated upon the continued cohabitation of the supported spouse. For purposes of this legislation, 'continued cohabitation' means the ongoing residency of the supported spouse with a person in a relationship that is tantamount to marriage, as recognized by the laws of this State.

The House approved and sent to the Senate **H.4545**. This bill **allows cosmetologists, estheticians, and manicurists to practice in barbershops**.

The House approved and sent to the Senate **H.4402**. This bill **authorizes a county legislative delegation to terminate its respective county board of social services** by a majority vote, including the senators, of the county legislative delegation.

The House amended, approved, and sent to the Senate **H.3957**. This bill **repeals the State Council on Maternal, Infant and Child Health (MICH) Act**, effective on approval of the Governor. MICH was created by legislation in 1986 to improve the health status of pregnant women, infants, and children in South Carolina. There are currently no employees working for the MICH Council.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

chance. Under the proposed committee amendment, the joint resolution proposes amending the State Constitution so as to provide that a public officer would be disqualified from the further exercise of the functions of his office who is convicted of any offense of this State related to gambling or betting on games of chance. If adopted by the General Assembly, the proposed constitutional amendment would be submitted to the state's voters for approval or rejection at the next general election.

The Committee gave a report of favorable with amendments on **H.3849**, a bill revising the **qualifications for probate judges**. Under the amendment proposed by the committee, the bill provides that, prior to January 1, 2004, no person is eligible to hold the office of judge of probate unless the person at the time of his election: (1) is a citizen of the United States and a resident of this State; (2) is twenty-one years of age; (3) is a qualified elector of the county in which he is to be a judge; and (4) has graduated from high school or, if he has no degree, has four year's experience as a full time associate probate judge in a probate judge's office in this State. After December 31, 2003, through December 31, 2005, no person is eligible to hold the office of judge of probate unless the person at the time of his election: (1) is a citizen of the United States and a resident of this State; (2) is twenty-one years of age; (3) is a qualified elector of the county in which he is to be a judge; and (4) has obtained an degree from an accredited college or community college or, if he has no degree, has four year's experience as a full time associate probate judge in a probate judge's office in this State. After December 31, 2005, no person is eligible to hold the office of judge of probate unless the person at the time of his election: (1) is a citizen of the United States and a resident of this State; (2) is twenty-one years of age; (3) is a qualified elector of the county in which he is to be a judge; and (4) has obtained a four year bachelor's degree from an accredited post-secondary institution or, if he has no degree, has four year's experience as a full time associate probate judge in a probate judge's office in this State. Notwithstanding these provisions, a person holding the office of probate judge as of July 1, 2002, is deemed to have satisfied these requirements to hold his current office and for the purposes of running for election or re-election. However, if a person deemed to be qualified in this manner is out of office for a term or any portion of a term before seeking election, the person must satisfy the applicable requirements to be qualified to run for office.

The Committee gave a report of favorable with amendments on **H.3450**, a bill establishing a **misdemeanor offense of unintentionally causing death with a vehicle**. The bill provides that a person who unintentionally causes the death of another person while violating a state law or local ordinance which applies to the operation or use of a vehicle or to the regulation of traffic, and the violation is the proximate cause of the accident, is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars nor more than two hundred dollars or imprisoned for not more than thirty days. The legislation does not pertain to the offenses of causing great bodily injury or death by operating a vehicle while under the influence of alcohol, drugs, or the combination of both, or reckless homicide.

having that license renewed. The legislation provides for the assessment of a one hundred dollar fee by the Department of Public Safety on the issue/renewal of a license to offset the cost of administering the education program. The legislation creates within the Division of Motor Vehicles the nine-member South Carolina Independent Education Advisory Board to assist with the education requirements of nonfranchise dealers. The bill provides for the membership, authority, and duties of the board.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.809 CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE COASTAL BASELINE Sen. Grooms

This bill authorizes the reconstruction, repair, and maintenance of existing groins seaward of the coastal baseline. The bill authorizes the construction of new groins on beaches that have a high erosion rate threatening existing development or public parks. The bill provides that new and existing groins may be constructed or reconstructed only in furtherance of an on-going beach renourishment effort which meets the criteria set forth in regulations of the Department of Health and Environmental Control, and in accordance with other criteria which are specified in the bill.

S.969 WILDLIFE MANAGEMENT LANDS AND IMPROVEMENTS Sen. Martin

Current law provides that it is unlawful to abuse wildlife management area land or improvements on wildlife management area land. This bill provides that misuse, damage, or destruction of such land is also unlawful. The bill adds certain specific activities – including, but not limited to, operating a motor conveyance in certain areas, target practice in certain areas, camping in certain areas, and disregarding safety or restrictive posting by the landowner - which are a misdemeanor when they

**H.4851 PERSONS WHO MAY OBTAIN/RENEW
DRIVER'S LICENSE** Rep. J.E. Smith

This bill provides that a person from another country who possesses a United States Immigration and Naturalization Service (INS) I-94 card is eligible to obtain or renew a driver's license. The I-94 card shows INS status, date and place of last entry into the USA, and INS admission number.

H.4860 "SOUTH CAROLINA NURSES" SPECIAL PLATES Rep. J. Brown

This bill provides for the issuance of, and distribution of fees for, "South Carolina Nurses" special motor vehicle license plates.

H.4863 VIETNAM VETERAN SPECIAL PLATES Rep. McGraw

This bill authorizes and provides for the issuance and distribution of "Vietnam Veterans" special license plates. The bill provides that fees for this special plate will be used to defray expenses of producing and administering the plates, and the remaining funds will be placed in the State's general fund.

**H.4871 SCHOLARSHIP AND GRANTS WORKSHOP FOR
GUIDANCE COUNSELORS** Rep. Scott

This bill creates an annual State Scholarships and Grants Guidance Counselor Workshop, to be administered by the Commission on Higher Education (CHE) and to be attended by all middle and high school guidance counselors beginning with the 2002-2003 school year. The bill also requires CHE to produce for parents of all South Carolina students a brochure including college funding assistance information, and requires CHE to create a website which reflects this same information. The bill also includes requirements for CHE to evaluate effectiveness of these programs and requires CHE to provide evaluation results to the General Assembly. The bill provides that funding for this purpose will be appropriated by the General Assembly.

JUDICIARY

S.863 BADGES OF COUNTY OR MUNICIPAL CORRECTIONAL OFFICER
Sen. Bauer

This bill provides that a correctional officer who is employed by a county or municipal detention facility on or before December 31, 2002, may wear a badge that consists of or incorporates the shape of a five-pointed or six-pointed star with a replica of the Great Seal of South Carolina inscribed in its center.

**S.903 ANTI-TERRORISM ACTIVITIES EXEMPTED UNDER TORT CLAIMS
ACT** Sen. Mescher

This bill provides that activities relating to prevention of terrorism or terrorist attack and activities in response to a terrorist threat or terrorist attack are exempted under the Tort Claims Act.

H.4889 ETHICS ACT AND ELECTION LAW REVISIONS

Rep. Meacham-Richardson

This bill provides for various revisions to the state's Ethics Act and election law provisions.

LABOR, COMMERCE AND INDUSTRY

H.4852 EXEMPT COMMERCIAL POLICIES UNDER INSURANCE LAWS

Rep. Cato

This bill revises the definition for "exempt commercial policies" under the state's insurance laws provisions. The legislation revises certain provisions requiring insurers to file rates and rating schedules and plans, so as to exempt commercial policies from this requirement.

S.1020 SOUTH CAROLINA HEALTH INSURANCE POOL Sen. Thomas

This bill revises South Carolina Health Insurance Pool provisions pertaining to definitions, eligibility for pool coverage, and assessments for members of the pool.

H.4888 NO TELEPHONE SOLICITATION ACT Rep. Miller

This bill enacts the "No Telephone Solicitation Act", to provide for the compilation and maintenance by the Public Service Commission of a list of telephone customers who do not want to be solicited by telephone. The bill requires telephone solicitors to acquire the list for a fee and prohibit them from soliciting the customers on the list by telephone. The bill provides for civil penalties for violations of the provisions. The bill exempts the "No Telephone Solicitation List" from the Freedom Of Information Act provisions. The bill requires the use of the "No Telephone Solicitation List" by a telephone solicitor.

WAYS AND MEANS

S.803 SALE OF LOTTERY TICKETS Sen. Elliott

This bill provides that lottery tickets may be sold by retail dealers of alcoholic beverages on their retail premises.

H.4850 PAID LEAVE FOR ORGAN DONORS Rep. Cotty

This bill provides for limited paid leaves of absence for state and local officers and employees to be organ donors.

H.4853 INSPECTION TAX ON COMMERCIAL FERTILIZER Rep. Koon

This bill provides that the inspection tax paid on commercial fertilizer will be paid to the Division of Regulatory and Public Service Programs, Clemson University, rather than to the State Treasurer as is currently provided.

H.4890 S.C. LAW ENFORCEMENT OFFICERS MEMORIAL Rep. Hinson

This joint resolution requires the State Budget and Control Board (the Board), using funds appropriated or transferred to the Board for this purpose, to proceed with construction of the South Carolina Law Enforcement Officers Memorial on the State House grounds after approval of the State House Committee of the design and location of the monument.

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